

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE LOUIS C. TRIMBLE,
Plaintiff.

Case No. 20-09417 BLF (PR)

**ORDER GRANTING EXTENSION
OF TIME TO FILE AMENDED
COMPLAINT; STRIKING
PETITION FOR WRIT OF HABEAS
CORPUS**

(Docket No. 14)

Plaintiff, a state inmate, filed the instant *pro se* civil rights action pursuant to 42 U.S.C. § 1983 for conditions of confinement with respect to the COVID-19 pandemic.¹ Dkt. No. 1. On April 28, 2021, the Court dismissed the complaint with leave to amend to correct various deficiencies. Dkt. No. 12. On May 25, 2021, Plaintiff filed a petition for writ of habeas corpus, but no amended complaint. Dkt. No. 14. In an attached letter, Plaintiff states that he could not find the proper form, and that the form petition was all that was available in the library. Dkt. No. 15. In another separate letter, Plaintiff states that he wants to “settle my suit for release [and] money.” Dkt. No. 16.

Because it is clear Plaintiff did not intend to file a petition but wants to pursue a § 1983 action, the petition filed under Docket No. 14 shall be **STRICKEN**. In the interest

¹ The matter was reassigned to this Court on February 9, 2021. Dkt. Nos. 9, 10.

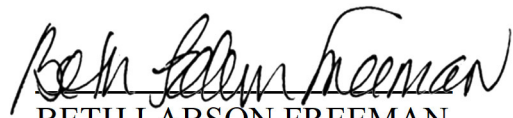
1 of justice, Plaintiff shall be granted an extension of time to file an amended complaint.
2 Plaintiff shall file an amended complaint **within twenty-eight (28) days** of the date this
3 order is filed, to correct the deficiencies described in the Court's Order of Dismissal with
4 Leave to Amend. Dkt. No. 12.

5 **Failure to respond in accordance with this order in the time provided will**
6 **result in the dismissal of this action without prejudice and without further notice to**
7 **Plaintiff.**

8 The Clerk shall include a copy of the last court order, Dkt. No. 12, and two copies
9 of the court's **complaint** with a copy of this order to Plaintiff.

10 **IT IS SO ORDERED.**

11 **Dated: __September 29, 2021__**



BETH LABSON FREEMAN

United States District Judge

United States District Court
Northern District of California